Amendments to the Claims:

This listing of claims will replace all prior versions and listing of claims in the application.

Please cancel claims 1 to 41 without prejudice or disclaimer.

Please add new claims 73 to 100 as set forth below.

Please amend claims 42-43, 62 and 68 to 72 as set forth below.

Listing of Claims:

1 to 41 (cancelled)

1 ~~42.~~ (currently amended) A method of treating a subject with a disease characterized by the production of mucin, comprising administering to the subject an effective amount of a composition comprising [~~at least one compound that decreases mucin synthesis or secretion in the subject~~] a 2-aminophenyl acetic acid compound or a pharmaceutically acceptable salt thereof.

2 ~~43.~~ (currently amended) A method of claim 1 ~~42~~, wherein the disease is selected from the group consisting of a chronic obstructive pulmonary disease (COPD), an inflammatory lung disease, [~~cystic fibrosis~~] and an acute or chronic infectious disease.

3 ~~44.~~ (previously presented) A method of claim 1 ~~42~~, wherein the mucin production occurs in the respiratory tract of the subject.

4 ~~45.~~ (previously presented) A method of claim 1 ~~42~~, wherein the mucin production occurs in the gastrointestinal tract of the subject.

5 ~~46.~~ (previously presented) A method of claim 4 ~~45~~, wherein the mucin production occurs in the pancreas of the subject.

6 ~~47.~~ (previously presented) A method of claim 2 ~~43~~, wherein the disease is asthma.

7 ~~48.~~ (previously presented) A method of claim 2 ~~43~~, wherein the disease is bronchitis.

8 2

~~49~~. (previously presented) A method of claim ~~43~~, wherein the disease is chronic bronchitis.

9 2

~~50~~. (previously presented) A method of claim ~~43~~, wherein the disease is cystic fibrosis.

10 2

~~51~~. (previously presented) A method of claim ~~43~~, wherein the disease is emphysema.

11 2

~~52~~. (previously presented) A method of claim ~~43~~, wherein the disease is gastrointestinal malabsorption syndrome.

12 2

~~53~~. (previously presented) A method of claim ~~43~~, wherein the disease is steatorrhea.

13 2

~~54~~. (previously presented) A method of claim ~~43~~, wherein the disease is diarrhea.

14 2

~~55~~. (previously presented) A method of claim ~~43~~, wherein the disease is allergic inflammation.

15 2

~~56~~. (previously presented) A method of claim ~~43~~, wherein the treatment reduces airway inflammation.

16 2

~~57~~. (previously presented) A method of claim ~~43~~, wherein the treatment reduces inflammatory cells.

17 2

~~58~~. (previously presented) A method of claim ~~43~~, wherein the treatment reduces epithelial-related inflammation.

18 1

~~59~~. (previously presented) A method of claim ~~42~~, wherein the treatment is for bronchial hyperresponsiveness.

19 1

~~60~~. (previously presented) A method of claim ~~42~~, wherein the treatment down-regulates mediators of airway inflammation.

20 ~~61~~. (previously presented) A method of claim ~~60~~ 19, wherein the mediator is a chemokine.

21 ~~62~~. (previously presented) A method of claim [~~61~~] ~~60~~ 19, wherein the mediator is a cytokine.

22 ~~63~~. (previously presented) A method of claim ~~61~~ 20, wherein the cytokine is interleukin 9.

23 ~~64~~. (previously presented) A method of claim ~~42~~ 1, wherein the treatment decreases the number of goblet cells in the respiratory tract.

24 ~~65~~. (previously presented) A method of claim ~~42~~ 1, wherein the treatment decreases the number of goblet cells in the gastrointestinal tract.

25 ~~66~~. (previously presented) A method of claim ~~42~~ 1, wherein the treatment decreases the number of submucosal glands in the respiratory tract.

26 ~~67~~. (previously presented) A method of claim ~~42~~ 1, wherein the treatment decreases the number of submucosal glands in the gastrointestinal tract.

27 ~~68~~. (currently amended) A method of claim ~~42~~ 1, wherein the [~~treatment comprises~~] 2-amino phenylacetic acid compound is talniflumate or a pharmaceutically acceptable salt thereof.

28 ~~69~~. (currently amended) A [~~treatment~~] method of claim [~~42~~] ~~68~~ 27, wherein the [~~molecule is comprised of a prodrug~~] composition consists essentially of talniflumate.

29 ~~70~~. (currently amended) A [~~treatment~~] method of claim ~~42~~ 1, wherein the [~~prodrug is comprised of talniflumate, among others~~] 2-aminophenyl acetic acid compound is formulated as a prodrug.

30 ~~71~~. (currently amended) A method of claim ~~42~~ 1, wherein the 2-aminophenyl acetic acid compound [~~of claim 1 inhibits a chloride channel antagonist~~] inhibits chloride channel activity.

31 ~~72~~. (currently amended) A method of claim ~~71~~ 30, wherein the chloride channel is [~~comprised by~~

~~one or more calcium activated chloride channels~~] a calcium activated chloride channel.

32 ~~73~~. (new) A method of claim ~~72~~, wherein the calcium activated chloride channel is human CLCA1 or CLCA2.

33 ~~74~~. (new) A method of claim ~~70~~, wherein the 2-aminophenyl acetic acid compound is talniflumate.

34 ~~75~~. (new) A method of claim ~~42~~, wherein the composition is administered by a systemic route.

35 ~~76~~. (new) A method of claim ~~75~~, wherein the composition is administered by a parenteral route.

36 ~~77~~. (new) A method of claim ~~76~~, wherein the parenteral route is selected from the group consisting of intravenous, intramuscular, intraperitoneal and subcutaneous administration.

37 ~~78~~. (new) A method of claim ~~76~~, wherein the composition is formulated as a suppository for subcutaneous or intramuscular injection.

38 ~~79~~. (new) A method of claim ~~42~~, wherein the composition is administered by an oral route.

39 ~~80~~. (new) A method of claim ~~79~~, wherein the composition is formulated for oral administration in a formulation selected from the group consisting of capsules, tablets, elixirs, suspensions and syrups.

40 ~~81~~. (new) A method of claim ~~79~~, wherein the composition is formulated as a controlled release formulation.

41 ~~82~~. (new) A method of claim ~~42~~, wherein the composition further comprises a pharmaceutically acceptable carrier.

42 41
~~83~~. (new) A method of claim ~~82~~, wherein the pharmaceutically acceptable carrier is selected from the group consisting of a surfactant, stabilizing agent, encapsulating agents, and absorption-enhancing agent.

43 41
~~84~~. (new) A method of claim ~~82~~, wherein the pharmaceutically acceptable carrier is sterile water or sterile oil.

44 42
~~85~~. (new) A method of claim ~~83~~, wherein the sterile oil is selected from the group consisting of petroleum, animal, vegetable, peanut, soybean, mineral and sesame oil.

45 41
~~86~~. (new) A method of claim ~~82~~, wherein the pharmaceutically acceptable carrier is selected from the group consisting of saline, glycerol and dextrose solutions.

46 1
~~87~~. (new) A method of claim ~~42~~, wherein the composition is administered by inhalation.

47 46
~~88~~. (new) A method of claim ~~87~~, wherein the composition is in the form of an aerosol.

48 1
~~89~~. (new) A method of claim ~~42~~, wherein the composition is administered by an inhaler.

49 48
~~90~~. (new) A method of claim ~~89~~, wherein the inhaler is a metered dose inhaler.

50 48
~~91~~. (new) A method of claim ~~89~~, wherein the inhaler is a dry powder inhaler.

51 1
~~92~~. (new) A method of claim ~~42~~, wherein the composition is administered in a topical formation as a solution, suspension, gel, ointment or salve.

52 1
~~93~~. (new) A method of claim ~~42~~, wherein the composition is administered in combination with a second agent for the treatment of any of the diseases listed in claims ~~47~~ to ~~55~~.
6 14

53 52
94. (new) A method of claim 93, wherein the second agent is selected from the group consisting of expectorants, mucolytics, antibiotics, antihistamines, steroids, anti-inflammatory agents, and decongestants.

54 52
95. (new) A method of claim 93, wherein the second agent is a beta receptor agonist.

55 52
96. (new) A method of claim 93, wherein the second agent is a steroid.

56 52
97. (new) A method of claim 93, wherein the second agent is a leukotriene antagonist.

57
98. (new) A method of treating a subject with a disease characterized by the production of mucin, comprising administering to the subject an effective amount of a composition comprising talniflumate or a pharmaceutically acceptable salt thereof.

58
99. (new) A method of treating cystic fibrosis in a subject in need of such treatment comprising administering to the subject an effective amount of a composition comprising talniflumate or a pharmaceutically acceptable salt thereof.

59
100. (new) A method of treating cystic fibrosis in a subject in need of such treatment comprising administering to the subject an effective amount of a composition consisting essentially of talniflumate or a pharmaceutically acceptable salt thereof.

Summary of the Office Action

1. Claim 1-3, 11, 13 and 16-19 were rejected under 35 U.S.C. 102(e) as being anticipated by Kim (U.S. Patent 6,245,320).

2. Claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by Basbaum *et al.* (U.S. Patent 6,136,539).

Response to the Office Action

The Office Action dated May 20, 2003 has been carefully reviewed and the following amendments and comments are made in response. In view of the above amendments and following remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims. Applicants respectfully submit that the additional claims fall within the subject matter of the elected invention and that no new prohibited matter has been introduced by these claims. While written description support for the substitute claims can be found throughout the specification and in the original claims, examples of specific support for the additional claims can be found in the original claims and specification as set forth in the table below.

Claim	Support in Specification and Original Claims
73	page 10, lines 24-27
74	original claims 34, 38
75	page 15, lines 22-25
76-77	page 15, lines 3-5
78	page 16, lines 5-7
79	original claim 41
80	page 16, lines 2-3
81	page 16, lines 5-7
82	page 16, lines 29-30
83	page 16, line 29 to page 17, line 29
84-85	page 17, lines 2-3 and 15-18
86	page 17, lines 17-19
87, 89-91	page 15, lines 7-10; page 18, lines 12-23
88	page 15, lines 29-30
92	page 15, lines 26-27
94-97	page 14, lines 18-22
98-100	original claim 6

Status of the Claims

Claims 42 to 100 are pending in the application. Claims 1 to 41 have been cancelled and claim 73 to 100 added by this amendment. Claims 42 to 72 were added by a preliminary amendment filed on March 28, 2003. A review of the previous Office Action indicates that the Examiner has not received this preliminary amendment. A copy of the preliminary amendment filed in March 28, 2003 along with proof of receipt is attached for the Examiner's convenience. Entry of this preliminary amendment is respectfully requested.

Rejection under U.S.C. 102(e)

Claims 1-3, 11, 13 and 16-19 were rejected under 35 U.S.C. 102(e) as being anticipated by Kim. Without acquiescing to the merits of the rejection, Applicants have cancelled these claims therefore the rejection is moot. Applicants further submit that the pending claims are all directed to subject matter indicated as allowable by the Examiner in the previous Office Action dated May 20, 2003.

Rejection under 35 U.S.C. 102(b)

Claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by Basbaum *et al.* Applicants bring to the attention of the Examiner that Basbaum *et al.* is not available as prior art under 35 U.S.C. 102(b) in view of Applicants priority date of January 31, 2000. Nonetheless, Applicants have cancelled these claims without acquiescing to the merits of the rejection and therefore the rejection is moot. Applicants again submit that the pending claims are all directed to subject matter indicated as allowable by the Examiner in the previous Office Action dated May 20, 2003.

Conclusion

Applicants respectfully request reconsideration of the subject application in view of the amended claims and the above remarks. It is respectfully submitted that this application is now in condition for allowance. Should the Examiner believe it to be useful, an interview with the Examiner is respectfully requested in order to discuss the foregoing claims.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or

credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Respectfully submitted
Morgan, Lewis & Bockius LLP

Dated: **October 20, 2003**
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